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TRIAL CHAMBER II

Before: Judge Chang-ho Chung, Presiding
Judge Péter Kovács
Judge María del Socorro Flores Liera

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF**

THE PROSECUTOR v. THOMAS LUBANGA DYILO

Public Redacted Version

“Twenty-second progress report on the implementation of collective reparations as per Trial Chamber II’s decisions of 21 October 2016, 6 April 2017 and 7 February 2019” dated 6 September 2023, ICC-01/04-01/06-3559-Conf

Source: The Trust Fund for Victims

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:**Legal Representatives of Victims V01**

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I. BACKGROUND

1. The Trust Fund for Victims (“TFV”) hereby submits its twenty-second progress report following Trial Chamber II’s (“Trial Chamber”) decision of 21 October 2016 approving the programmatic framework for collective symbolic reparations as submitted by the TFV,¹ Trial Chamber II’s decision of 6 April 2017 approving the programmatic framework for service-based collective reparations as submitted by the TFV,² and Trial Chamber II’s decision of 7 February 2019 approving the TFV’s proposal in relation to the process for locating new applicants and determining their eligibility.³

2. The twenty-first progress report on the implementation of collective reparations (“Twenty-first progress report”) was filed on 6 June 2023.⁴ On 30 August 2023, Trial Chamber II issued its twelfth decision on the TFV’s administrative decisions on applications for reparations and additional matters (“Twelfth Decision”).⁵

II. CLASSIFICATION OF THE PRESENT SUBMISSION

3. Pursuant to regulation 23 *bis* (1) of the Regulations of the Court, the TFV has classified the report as confidential insofar as it contains detailed information related to operational aspects of the ongoing implementation of reparations. A public redacted version of the report will be filed in due course.

III. REGULATION 58 PROGRESS REPORT

4. The TFV hereby submits its twenty-second progress report, with information on the implementation of the collective reparations award. It provides updated information regarding the A) external challenges, B) update on implementation of collective service-based reparations, C) symbolic reparations, D) collaboration, and E) evaluation.

¹ Order approving the proposed plan of the Trust Fund for Victims in relation to symbolic collective reparation, 21 October 2016, [ICC-01/04-01/06-3251](#).

² Order approving the proposed programmatic framework for collective service-based reparations submitted by the Trust Fund for Victims, 6 April 2017, [ICC-01/04-01/06-3289](#).

³ Decision Approving the Proposals of the Trust Fund for Victims on the Process for Locating New Applicants and Determining their Eligibility for Reparations, 7 February 2019, [ICC-01/04-01/06-3440-Red-tENG](#).

⁴ Public Redacted Version of Twenty-first progress report on the implementation of collective reparations as per Trial Chamber II’s decisions of 21 October 2016, 6 April 2017 and 7 February 2019, dated 6 June 2023, ICC-01/04-01/06-3919-Conf, 7 August 2023, [ICC-01/04-01/06-3919-Red](#).

⁵ Twelfth Decision on the TFV’s administrative decisions on applications for reparations and additional matters, 30 August 2023, [ICC-01/04-01/06-3558-Conf](#) (Twelfth Decision).

5. The reporting period for the purposes of the present progress report covers from 7 June 2023 to 6 September 2023.

A. External Challenges

6. During the reporting period, the highly volatile security situation in the areas in which the TFV is currently operating has not posed added challenges to the programme implementation. Activities remain nonetheless challenging and require a constant focus on adapting to a restrictive operating environment.

B. Update on the Implementation of Collective Service-Based Reparations

1) Overview of collective service-based reparations programme

7. To receive reparations, victims undergo an intake/enrolment phase which encompasses an initial in-depth individualised assessment to determine the needs of the beneficiary in terms of rehabilitation, as well as the wishes of the victim. This phase is essential for the satisfaction of the victims with the measures received. Following the assessment, the beneficiary may start immediately receiving tailored psychological or physical treatment depending on the intensity of their needs in terms of these two components.

8. During medical and psychological treatment, beneficiaries may receive financial support to meet immediate needs as a way to compensate transportation costs and the caused loss of earnings. Treatment is organised as closely as feasible to victims' locations. More complicated treatment may require transfers to facilities within or outside Ituri. In cases requiring treatment limiting the ability of beneficiaries to care for themselves, transfers to suitable care facilities are arranged with adequate financial support, as required.

9. Support for education (schooling and university) has started in parallel to medical and psychological treatment. Other socio-economic measures commence only as soon as medical practitioners determine the beneficiary is fit physically and mentally. Once socio-economic activities are concluded, the service is considered completed.

10. Throughout the process, the Trust Fund for Victims and the implementing partner monitor the effectiveness of the rehabilitative activities to adopt, where needed, remedial measures.

2) Progress concerning enrolment and intake of beneficiaries during the reporting period

11. To date, 998 out of the 2,471 victims, which is the final number of direct and indirect victims approved by the Trial Chamber in the Twelfth Decision, have enrolled in the *Lubanga* reparations programme.

12. During the reporting period, 126 new beneficiaries were enrolled in the programme. As part of these 126 new beneficiaries, the implementing partner reached and screened 19 victims who could not be previously reached, while 209 beneficiaries remain unreachable.

13. The list of these remaining 209 victims has been referred to the Legal Representatives to ensure that they update the contact details of the victims. In parallel, the implementing partner continues efforts to establish contact with unreachable victims.

3) Progress concerning mental health and physical care

a) Mental health care

14. Of the 126 new beneficiaries enrolled in the programme, 119 new beneficiaries were enrolled into and began to receive psychological care. Group and family counselling activities were provided to 62 of these beneficiaries, while three beneficiaries were referred to a centre [REDACTED] for specialised care.

15. Of the total 958 beneficiaries who have received psychological care since the start of the project, 739 beneficiaries have completed their psychological treatment and demonstrated improvement in their mental wellbeing. Accordingly, their treatment plans were successfully closed by the treating specialists.

b) Physical health care

16. During the reporting period, 94 beneficiaries were enrolled into physical care and started receiving treatment, bringing the total number of victims cared for since the start of the project to 799.

4) Progress concerning socio-economic rehabilitation

17. The component of socio-economic rehabilitation starts with the provision of a lump sum that allows the beneficiaries the necessary financial support to attend a vocational training and

literacy course, as applicable. A kit for the training is available to the victim. Once the training ends and beneficiaries are ready to develop a business plan and receive advice, they are guided through the start of their income generating activities and receive a kit and a cash grant for the first year of implementation. The cash grant is the same for all beneficiaries. The direct guidance of the implementing partner continues for a minimum of three months. The advice and support of the implementing partner remains accessible to the beneficiaries thereafter for the duration of the programme. Progress is reported in relation to i) schooling, ii) university support, iii) vocational training, and iv) income-generating activities.

a) Schooling

18. To date 1,607 individuals have benefitted from schooling, including 1,606 dependents of direct beneficiaries and one direct beneficiary.

b) University support

19. In addition to the 203 direct beneficiaries and dependents of direct beneficiaries receiving university support during the last reporting periods, the implementing partner continued to admit beneficiaries and their dependents.

20. A total of 50 beneficiaries and dependents were enrolled during the reporting period, bringing the total number of students receiving university support to 253.

c) Vocational training

21. During the reporting period, 60 beneficiaries benefitted from short and long training courses. In total, 697 beneficiaries have benefitted from training between the start of the project and the end of the reporting period.

d) Income-generating activities

22. During the reporting period, 100 beneficiaries ready to set a business plan and receive advice, were guided through the start of their income generating activities and received a cash grant to help them set up a business. This brings the total number of beneficiaries having benefitted from income generating activities to date to 635 beneficiaries.

5) End of treatment and service

23. The implementing partner has submitted to the TFV a list of 203 beneficiaries, for whom the partner finalised the provision of services. The TFV will shortly meet with the Legal Representatives and discuss how to inform the beneficiaries that their service-provision ended.

6) Progress of performance and forecast

24. The table below provides an overview of performance for this reporting period in comparison to the previous reporting period, demonstrating an increase in performance during this period.

INDICATORS	Total end of previous reporting period	Total end of reporting period	Difference
	Total sum		
Number of victims referred by the TFV	1042	1207	+165
Number of victims taken in	872	998	+126
Number of victims who could not be reached	170	209	+39
Number of victims diagnosed as part of psychological support	839	958	+119
Number of victims diagnosed as part of physical support	705	799	+94
Number of victims who completed basic training	637	697	+60
Number of victims who received IGA cash	535	635	+100

25. The table below compares the performance during the current reporting period against the forecasted performance.

INDICATORS	Performed reporting period	Forecast reporting period	Difference
	Total sum		
Number of victims referred by the TFV	1207	1207	0
Number of victims taken in	998	1207	-209
Number of victims diagnosed as part of psychological support	958	939	+19
Number of victims diagnosed as part of physical support	799	805	-6
Number of victims who completed basic training	697	722	-25
Number of victims who received IGA cash	635	635	0

7) Measures taken to address issues in the implementation of collective service-based reparations and to improve the quality of services

a) Programme adjustments and continuation

26. During the reported period, the TFV partner implemented the programme in accordance with the adjustments communicated to the beneficiaries in March 2023.⁶

27. The second contractual year with the implementing partner ended on 30 August 2023. At the end of the reporting period, the TFV, supported by the Registry, has been in the process of renewing the contract for a third contractual year.

b) Communication

28. The implementing partner, the TFV and the Legal Representatives informed beneficiaries regarding the adjustments. Newly included beneficiaries have directly received information about the programme as adjusted.

29. In the reporting period, the TFV kept on implementing measures to enhance access to information for beneficiaries participating in the reparations programme. For instance, the implementing partners and the TFV are exploring with network operators ways to improve the mobile text information system in place.

30. During the reporting period, the Trust Fund for Victims was seized about activities by a group of victims who recently expressed their disagreement with the change of number of years of school to be supported through the programme.⁷ The Trust Fund for Victims will discuss with LRVs measures to be taken to respond to these concerns.

C. Symbolic Reparations

31. During the reporting period, progress was made in relation to both components of the symbolic reparations: construction of **symbolic structures** and development of **mobile memorialisation** initiatives in communities that will promote awareness raising of the crimes and resulting harms, reintegration, reconciliation, and memorialisation.

⁶ Twenty-first progress report, para. 32.

⁷ See also Twelfth Decision welcoming the adjustment to the programme, para 14.

32. Construction of commemorative community centres started in June in [REDACTED] and [REDACTED]. Planning for the start of the construction of community centres in [REDACTED] and [REDACTED] is ongoing.

33. Awareness-raising activities as part of symbolic reparations were continued and intensified during this quarter, in order to reach the maximum audience. To this end, the implementing partner produced 16 broadcasts, 20 radio spots and a magazine to raise awareness on the impact of stigmatisation on former child soldiers and the need not to stigmatise them. They also provided information on the usefulness of the commemorative community centres being built and on the fact that the building works also offer an opportunity for employment for former child soldiers in [REDACTED] and [REDACTED].

34. Thematic workshops on the consolidation of peace, social cohesion and the non-repetition of crimes committed in the *Lubanga* case were also organised during the reporting period. These activities reached an estimated audience of 1,375 people. The local committees that have been established to monitor and provide advice in relation to the constructions supported the awareness-raising initiatives. They reached more remote locations surrounding the localities in which the project is being carried out (village, neighbourhood, etc.), in order to promote understanding, participation and ownership of the commemorative community centres by the whole community.

35. These initiatives resulted in securing the agreement of the [REDACTED] and [REDACTED] communities towards the ongoing construction of the commemorative community centres and their future use.

36. In addition, according to a survey carried out by the implementing partner, by means of a radio broadcast, there was a good level of satisfaction among the members of the communities involved, as well as a clear receptiveness on the part of all the communities concerned. A number of testimonials were collected and broadcasted in the magazine and on radio stations.

D. Collaboration

37. During the reporting period, the new Executive Director of the TFV led bilateral meetings with the OPCV and LRV01 to formally meet them, receive feedback on the status of implementation and explored ways to strengthen existing collaboration. The TFV envisages to meet the LRV02 in a forthcoming meeting, and intends to convene a meeting with all LRVs to discuss outstanding matters.

E. Evaluation

38. As previously reported,⁸ the independent team of evaluators engaged by the TFV is running its evaluation of the programme. In the reporting period, the evaluators have initiated interviews with beneficiaries.

IV. FOR THE FOREGOING REASONS

The Trust Fund for Victims respectfully requests the Trial Chamber to take note of the present report.



Deborah Ruiz Verduzco
Executive Director of the Trust Fund for Victims,

Dated this 8th of September 2023

(Date of the original: 6th of September 2023)

The Hague, Netherlands

⁸ Twenty-first progress report, para. 36.